

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**William B. Kelly**  
**Danielle Kelly**  
Debtor(s)

Bankruptcy Case No.: 17-25056-TPA  
Per February 5, 2018 proceeding  
Chapter: 13  
Docket No.: 23 - 5  
Concil. Conf.: June 21, 2018 at 10:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 19, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jun. 21, 2018 at 10:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The trustee shall not pay the secured claim of the following creditor as the creditor's collateral is to be surrendered: Harley Davidson (Claim No. 1)

The secured claim of the following creditor shall govern as to claim amount, to be paid at the modified plan terms: AmeriCredit Financial (Claim No. 3) in monthly amount to be determined by trustee.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Thomas P. Agresti, Judge  
United States Bankruptcy Court

Dated: February 12, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 William B. Kelly  
 Danielle Kelly  
 Debtors

Case No. 17-25056-TPA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: lmar  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 25

Date Rcvd: Feb 12, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 14, 2018.

db/jdb  
 14763319 ++William B. Kelly, Danielle Kelly, 12260 Roth Drive, Irwin, PA 15642-2977  
 ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853  
 (address filed with court: Americredit Financial Services, Inc., Dba GM Financial,  
 P.O Box 183853, Arlington, TX 76096)  
 14747686 +Capital One, PO Box 71083, Charlotte, NC 28272-1083  
 14747688 +Chase, PO Box 78420, Phoenix, AZ 85062-8420  
 14747689 +Chase/Amazon, PO Box 1423, Charlotte, NC 28201-1423  
 14747690 +Chestnut Hills Dental, 8775 Norwin Avenue, Suite 100, Irwin, PA 15642-7705  
 14747691 +Citi, PO Box 9001037, Louisville, KY 40290-1037  
 14747692 Citi, PO Box 90010377, Louisville, KY 40290  
 14747693 +Comenity, PO Box 659819, San Antonio, TX 78265-9119  
 14747694 Comenity/Victoria's Secret, PO Box 659728, San Antonio, TX 78265-9728  
 14747695 +Dell, PO Box 640, Carol Stream, IL 60132-0640  
 14747696 +Discover, PO Box 742655, Cincinnati, OH 45274-2655  
 14747697 +Disney Movie Club, PO Box 758, Neenah, WI 54957-0758  
 14747698 +GM Financial, PO Box 78143, Phoenix, AZ 85062-8143  
 14747699 +Harley Davidson Credit Corp, Dept. 15129, Palatine, IL 60055-0001  
 14752033 +Harley-Davidson Credit Corp., PO Box 9013, Addison, Texas 75001-9013  
 14747700 +Home Depot, PO Box 9001010, Louisville, KY 40290-1010  
 14772244 +JPMorgan Chase Bank, National Association, Chase Records Center, Attn: Correspondence Mail,  
 Mail Code LA4-5555, 700 Kansas Lane, Monroe LA 71203-4774  
 14747702 +Kohl's, PO Box 983, Milwaukee, WI 53201-0983  
 14747704 Norine Kelly, 18-D Carothers Drive, Monroeville, PA 15146  
 14771457 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229  
 (address filed with court: U.S. Bank National Association, Bankruptcy Department,  
 PO Box 108, St. Louis MO 63166-0108)

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14753962 E-mail/Text: mrdiscn@discover.com Feb 13 2018 01:51:16 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 14747701 +E-mail/PDF: gecsed@recoverycorp.com Feb 13 2018 01:44:28 JC Penney/Synchrony Bank,  
 PO Box 960090, Orlando, FL 32896-0090  
 14748946 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Feb 13 2018 02:02:49  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14747705 +E-mail/PDF: gecsed@recoverycorp.com Feb 13 2018 01:44:28 Toys-R-Us, PO Box 530938,  
 Atlanta, GA 30353-0938

TOTAL: 4

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Harley-Davidson Credit Corp  
 cr JPMorgan Chase Bank, National Association  
 cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14747687\* +Capital One, PO Box 71083, Charlotte, NC 28272-1083  
 14747703\* +Kohl's, PO Box 983, Milwaukee, WI 53201-0983  
 14747706\* ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229  
 (address filed with court: US Bank, PO Box 790408, Saint Louis, MO 63179)

TOTALS: 2, \* 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 14, 2018

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: lmar  
Form ID: 149

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Total Noticed: 25

Date Rcvd: Feb 12, 2018

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 12, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Harley-Davidson Credit Corp bkgroup@kmlawgroup.com  
Jerome B. Blank on behalf of Creditor JPMorgan Chase Bank, National Association  
pawb@fedphe.com  
Kenneth M. Steinberg on behalf of Joint Debtor Danielle Kelly  
julie.steidl@steidl-steinberg.com,  
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;lesl  
ie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com  
Kenneth M. Steinberg on behalf of Debtor William B. Kelly julie.steidl@steidl-steinberg.com,  
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;lesl  
ie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com  
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6